

The City Council met in adjourned session at the hour of 8:38 a.m. in the Council Chamber, City Hall, on the day above written for continued consideration of the City of Fresno FY12 Budget. Present were Councilmembers Baines, Borgeas, Olivier, Quintero, Xiong, Westerlund, President Brand, City Manager Scott, Assistant City Manager Rudd, City Attorney Sanchez, City Clerk Klisch, Assistant City Clerk Salazar, and Budget Director Smith.

**(8:30 A.M.) CONTINUED CONSIDERATION OF THE CITY OF FRESNO FISCAL YEAR 2012 BUDGET**

Upon question of Councilmember Xiong Budget Director Smith stated information requested on the fire department would hopefully be provided today.

**AMENDED MOTION #12 – BRAND/BORGEAS - RESTORE CITY ATTORNEY GRAFFITI/PROSTITUTION PROSECUTION AT \$185,000 BY REDUCING THE OFFICE OF INDEPENDENT REVIEW (OIR) BY \$105,000 AND INCREASE REGIONAL PARK DAILY ENTRANCE FEE BY \$1.00, EXCEPT FOR HOLIDAYS WHEN ENTRANCE FEE WILL BE REDUCED BY 50%**

Brief discussion ensued on process/procedure and President Brand, City Attorney Sanchez and Budget Director Smith responded to questions of Councilmember Xiong and/or clarified issues on three of his motions, wherein Councilmember Xiong made amendments as follows:

**AMENDED MOTION #5 –XIONG/QUINTERO – REDUCE POLICE DEPARTMENT OVERTIME BY \$1 MILLION WITH \$600,000 TO BE REALLOCATED TO THE FIRE DEPARTMENT AND \$400,000 TO BE REALLOCATED TO COMMUNITY CENTERS**

**AMENDED MOTION #6 - XIONG/QUINTERO – GROUND POLICE DEPARTMENT HELICOPTER FOR ONE YEAR (TO CONDUCT AN ASSESSMENT) WITH THE SAVINGS OF \$174,000 REALLOCATED TO COMMUNITY CENTERS**

**AMENDED MOTION #10 – XIONG/QUINTERO – REDUCE DARM BUDGET BY \$350,000 AND REALLOCATE THE FUNDING FOR SENIOR HOT MEALS**

Councilmember Westerlund suggested Council take an official position that the City was going to privatize commercial solid waste citing the need to make a strong motion versus a presumption, with President Brand responding. Mr. Sanchez spoke to the legislative process wherein Council retains its discretion until the privatization process is ultimately finalized with the granting of the franchise, and stated Council could presume a budget but cautioned them about saying privatization of CSW was a done deal as that would take away from the legislative discretion.

Councilmember Westerlund spoke to and expressed concern with Motion #12 (increase regional park entrance fee) stating the reason for the proposed increase was due to the impact of the people using parks, stated it was not fair to make people who use the park on days other than holidays pay for the problem/mess that people leave on holidays, stated lowering the fee on holidays would incentivize overuse, and added he had not seen any evidence or studies that say more low-income people use the parks on holidays. Councilmember Westerlund continued and stated 160 positions had been let go in the last three months, they were supervisor and administrative positions versus the normal new/bottom rank and file positions, and that was a necessary step; spoke to the positions Council is responsible for and stated cuts have been made in the RDA, City Clerk and City Attorney Offices but there had been no layoffs at the administrative level; and stated he felt Council needed to look at deleting from the PAR and AAR the cost for the position of Chief Assistant City Attorney as part of the re-shaping and cost of the City Attorney's Office for general cost savings. Councilmember Borgeas concurred Council had to be as diligent and cut costs in the bodies that are under their jurisdiction just as the cuts that have been made under the executive umbrella, and spoke to the cutback in the District Attorney's office and questioned if savings from elimination of the Attorney position could go to the DA to prosecute certain lifestyle crimes or investigate officer involved shootings. Upon further question City Attorney Sanchez stated Council had the ability to decide whether or not additional resources should go to another agency to provide city-related services, spoke to the DA years ago de-prioritizing the quality of life kinds of prosecutions and his office being asked to step in and backfill that, and in terms of the cost stated that would have to be looked into. Councilmember Borgeas requested the City Attorney/City Manager look into and report back on the cost to prosecute lifestyle crimes both in-house as well as the possibility of funding certain DA prosecutions, along with options.

**MOTION** – **WESTERLUND/BORGEAS** – DELETE FROM THE PAR AND AAR THE COST FOR THE POSITION OF CHIEF ASSISTANT CITY ATTORNEY (\$185,000)

**AMENDED MOTION #11** – **QUINTERO/XIONG** - 10% CUT ON OFFICE SUPPLIES, INCLUDING COUNCIL OFFICES, WITH THE SAVINGS TO BE USED FOR SENIOR HOT MEALS

Upon question of Councilmember Quintero City Manager Scott stated staff was working on the analysis of task savings and savings associated with moving to a one-man crew as previously requested by Acting President Olivier, added it was not a particularly easy report due to the number of assumptions being worked through, and upon his question Councilmember Quintero requested staff focus the analysis solely on commercial waste.

Councilmember Borgeas presented questions/requests/comments relative to amended Motion #12, what the budget was currently for the OIR, request for information on options/implications of suspending the OIR/what model would be appropriate for the OIR if it is scaled down/what form it could come back as/where it would be located/if there would be any cost savings to locate the OIR in City Hall, bringing the Controller and Budget Departments back together per the Charter, and the Budget Department lease and if there was any way to get out of that lease, with Mr. Scott responding throughout and stating information/detailed reports would be provided.

Councilmember Baines spoke to Councilmember Westerlund's comments about park fees and fairness, stated the only people that pay for the parks are those that drive their cars in, stated the general fund subsidizes costs/shortfalls when vehicle entrance fees do not cover all the costs, and stated he appreciated the notion of fairness but stated if you were to expand on that one could theoretically say the whole idea of anyone paying for parks was unfair because everyone pays for them through a general fund subsidy even though they do not use them at the same rate. Councilmember Westerlund stated that was understood and elaborated further clarifying his concern was having the people who come to parks on days other than holidays pay for the impact of heavy use days.

Acting President Olivier spoke to the Travel & Conference budgets and noted \$114,500 was budgeted in the general fund and \$134,700 was budgeted in the enterprise funds.

**MOTION** – **OLIVIER/BAINES** – CUT THE TRAVEL & CONFERENCE BUDGETS CITYWIDE BY 75% FOR A GENERAL FUND SAVINGS OF \$85,000 AND ENTERPRISE FUND SAVINGS OF \$101,000

City Manager Scott stated some of the training was mandated and staff would provide information identifying mandated, discretionary, and reimbursed travel.

City Attorney Sanchez strongly recommended against the elimination of the Chief Assistant City Attorney position stating with this proposed budget his office will be reduced by one-third, added council members have already publicly expressed concerns about the current ability of his office to meet certain functions they see as priorities, and stated the Chief Assistant was a critical part of his ability to serve the Council and oversee the office and offered the option of trying to identify a targeted dollar amount if there was a desire to have an additional amount come from his budget. Councilmember Xiong stated the City Attorney was under the auspices of the City Council but office staffing was not, stated he hoped he did not hear a specific position was being targeted because the City Attorney's Office had not participated in cuts or gone through the same type of attrition other departments have gone through as that would be misleading, spoke to micro-managing and stated Mr. Sanchez brought up an excellent point in terms of how to manage and added targeting a specific dollar amount should be left up to directors/managers/supervisors, and requested the erosion of the department not continue and cautioned Council about going down the road of specifying which position should be eliminated.

**(2 – 0)** Councilmember Xiong also spoke in strong opposition to increasing the park entrance fee and elaborated on his reasons therefore; and presented questions on the process for voting on motions, what amount of information might be received by Friday, and if staff felt a vote on the franchise issue would help, with President Brand and City Manager Scott responding.

Relative to Councilmember Xiong's comments on the Attorney's office and motion Councilmember Borgeas stated cuts usually start at the bottom and he felt it was appropriate to look at a position versus a dollar amount. Councilmember Westerlund stated cuts have been made in the rank and file and those positions were necessary to continue to do the vital work they do every day, stated the City Manager was responsible for the hiring and firing of every single position however the City Attorney's Office reported directly to the Council and there was no legal prohibition that he was aware of prohibiting Council to reach in and let go of anyone in the City Clerk, City Attorney and RDA departments, and stressed there was no attempt here to micro-manage and reiterated he had seen cuts at the bottom but not in the middle and top and he felt the City Attorney's Office could function just fine without the Chief Assistant position and elaborated further.

Upon question of Councilmember Xiong Mr. Sanchez stated just as the City Manager has direct oversight of department directors the City Attorney has direct oversight of his staff, and stated Council should deal directly with the City Attorney if there is any reflection of concern about the department's operations or position(s). Brief discussion continued on Council's role and authority over the Council officers.

Councilmember Westerlund expressed strong concern with Motion #5 and the amendment stressing Chief Dyer already stated a \$1 million cut to his budget would be devastating for the citizens of Fresno and stressed adding to that motion to make it politically more palatable made it less palatable and strongly requested Council vote "no".

Stating he felt a final budget was close enough President Brand spoke briefly to the ability of Council to move this budget forward and incrementally make adjustments on some of the cuts such as delaying implementation until August 1<sup>st</sup> or September 1<sup>st</sup> in the event negotiations are successful and further explained.

President Brand noted the schedule was to meet again tomorrow at 10:00 a.m., he felt there was no compelling need to be here at 10:00 a.m., and upon his suggestion and with Council consensus it was decided Council would convene in closed session at 1:30 p.m. and continue publicly after closed session.

Councilmember Baines reiterated his previous request for all entertainment contracts at the Selland Arena, Valdez Hall and the Saroyan Theater (excluding private events such as weddings), with City Manager Scott stating they would be provided.

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#### ADJOURNMENT

There being no further business to bring before the City Council, the hour of 10:03 a.m. having arrived and hearing no objection, President Brand continued budget consideration to Wednesday, June 22, 2011, at 1:30 p.m.

*Approved* on the \_\_\_\_30th \_\_\_\_ day of \_\_\_\_\_JUNE\_\_\_\_\_, 2011.

\_\_\_\_\_/S/\_\_\_\_\_  
Lee Brand, Council President

ATTEST:\_\_\_\_\_/S/\_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk